IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 7836 of 2007(G)

PETITIONER:

VARGHESE, S/O. ITTIYACHAN,
KALLILAN HOUSE, THAVALAPPARA, ANAPPARA P.O.,
MANJAPRA.

BY ADV. SRI.LEGY ABRAHAM

RESPONDENTS:

1. **THE SUB ENGINEER,**
   ELECTRICAL SECTION, K.S.E.B., MANJAPRA.
2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB-DIVISION, K.S.E.B., KALADY.
3. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION, K.S.E.B., PERUMBAVOOR.
4. **THE MANJAPRA GRAMA PANCHAYAT,**
   REPRESENTED BY ITS SECRETARY.
5. **THE SECRETARY,**
   MANJAPRA GRAMA PANCHAYAT, MANJAPRA.

BY ADV. SRI. JOSE J. MATHEICKAL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.7836 OF 2007-G

Judgment

The petitioner is running a chicken stall in a puramboke land. He moved the Electricity Board for power connection, by producing Ext.P3 ownership certificate, claimed to be issued by the Panchayat. Later, the Panchayat informed the Electricity Board that it has not issued any such ownership certificate to the petitioner. Based on the said information received from the Panchayat, the petitioner was served with Ext.P2 notice by the Electricity Board, proposing to dismantle the connection given to him. Challenging that notice, the petitioner approached this Court by filing Writ Petition (C) No.34397/06. This Court disposed of that Writ Petition by Ext.P4 Judgment, directing the Electricity Board to take a decision in the matter after affording an opportunity of being heard to the petitioner and the Panchayat. Now, the 1st respondent has passed Ext.P5 order, finding that the petitioner obtained electricity connection, by producing a forged document and ordering to dismantle the connection. This Writ Petition is filed, challenging Ext.P5. According to the petitioner, the ownership certificate Ext.P3 has been issued to him by the Panchayat. The certificate is dated 23.03.2006. It is signed by the person in charge of the Secretary. But, on the said date, the present Secretary Mr.M.J.Thankachan was present in the office. It was also found that the petitioner has not submitted any application for ownership certificate. The receipt of such an application has not been entered in any registers of the Panchayat. For the building for which the ownership certificate

was issued, the petitioner was liable to pay building tax. The same was also not paid. So, going by the official records maintained in the Panchayat, it is found by the 1st respondent that the petitioner has not submitted any application for ownership certificate and no certificate has been issued by the Panchayat. So, the document produced by him claiming to be issued by the Panchayat, was held to be a forged document. Based on this finding, the 1st respondent ordered to dismantle the connection. The above said finding of the 1st respondent is a finding of fact. Going by the materials in this Writ Petition, the same can, in no way, be described as perverse or one, which, no man in his senses will make. Therefore, this Court cannot interfere with Ext.P5. Accordingly, the Writ Petition fails and it is dismissed.

08.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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